

## § 1218.1

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SOURCE: 65 FR 7654, Feb. 15, 2000, unless otherwise noted.

### Subpart A—Blueberry Promotion, Research, and Information Order

SOURCE: 65 FR 43963, July 17, 2000, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 1218 appear at 66 FR 37118, 37119, July 17, 2001.

#### DEFINITIONS

##### § 1218.1 Act.

*Act* means the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7401–7425; Pub. L. 104–127; 110 Stat. 1029), or any amendments thereto.

##### § 1218.2 Blueberries.

*Blueberries* means cultivated blueberries grown in or imported into the United States of the genus *Vaccinium* *Corymbosum* and *Ashei*, including the northern highbush, southern highbush, rabbit eye varieties, and any hybrid, and excluding the lowbush (native) blueberry *Vaccinium Angustifolium*.

##### § 1218.3 Conflict of interest.

*Conflict of interest* means a situation in which a member or employee of the U.S.A. Cultivated Blueberry Council has a direct or indirect financial interest in a person who performs a service for, or enters into a contract with, the

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USACBC for anything of economic value.

[65 FR 43963, July 17, 2000, as amended at 66 FR 37118, July 17, 2001]

##### § 1218.4 Crop year.

*Crop year* means the 12-month period from November 1 through October 31 of the following year or such other period approved by the Secretary.

##### § 1218.5 Department.

*Department* means the U.S. Department of Agriculture.

##### § 1218.6 Exporter.

*Exporter* means a person involved in exporting blueberries from another country to the United States.

##### § 1218.7 First handler.

*First handler* means any person, (excluding a common or contract carrier), receiving blueberries from producers and who as owner, agent, or otherwise ships or causes blueberries to be shipped as specified in the Order. This definition includes those engaged in the business of buying, selling and/or offering for sale; receiving; packing; grading; marketing; or distributing blueberries in commercial quantities. This definition includes a retailer, except a retailer who purchases or acquires from, or handles on behalf of any producer, blueberries. The term first handler includes a producer who handles or markets blueberries of the producer's own production.

##### § 1218.8 Fiscal period.

*Fiscal period* means a calendar year from January 1 through December 31, or such other period as approved by the Secretary.

##### § 1218.9 Importer.

*Importer* means any person who imports fresh or processed blueberries into the United States as a principal or as an agent, broker, or consignee of any person who produces or handles fresh or processed blueberries outside of the United States for sale in the United States, and who is listed in the import records as the importer of record for such blueberries.